

REMARKS

Claims 1-21 are pending in the present application.

No new matter has been added.

Claims 1-4, 6, 8-15, 17 and 20-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kurjanowicz, et al., US 6,894,941 B2, in view of Feurle, et al., US 2003/0043674 A1. This rejection is hereby respectfully traversed.

The Examiner has cited Feurle, a published application, which published March 6, 2003, as a relied upon reference under §103. This application has matured into U.S. Patent No. 6,751,145 B2, issued June 15, 2004. Applicant respectfully submits that this reference is not available for the rejection according to 35 U.S.C. §103(c)(1).

Feurle published less than one year prior to the filing date of the present application (September 15, 2003), and so Applicant believes that it is considered §103 prior art under §102(e)(1). However, 35 U.S.C. §103(c)(1) provides "Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The issued patent to Feurle shows it is assigned to the owner of the present application, the assignment is recorded at reel/frame 015058/0253, and the assignment was executed on September 4, 2002.

Because the Examiner rejected the claims under a combination of references, and because the Examiner admits that the remaining reference Kurjanowicz does not alone

INTECH 3.0-096
2003 P 50757 US

Page 2 of 4

anticipate or obviate the claimed inventions, the rejection is now believed to be overcome. Reconsideration and allowance for claims 1-4, 6, 8-15, 17 and 20-21 are therefore respectfully requested.

Similarly, Claims 5 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kurjanowicz, US 6,778,457 B1 and Feurle, et al., US 2003/0043674 A1, in view of Klein, US 6,838,331 B2. This rejection is also hereby respectfully traversed.

Applicant again submits that the Feurle reference is not available under 35 U.S.C. §103, and that therefore the rejection over the proposed combination is overcome. Reconsideration and allowance are requested.

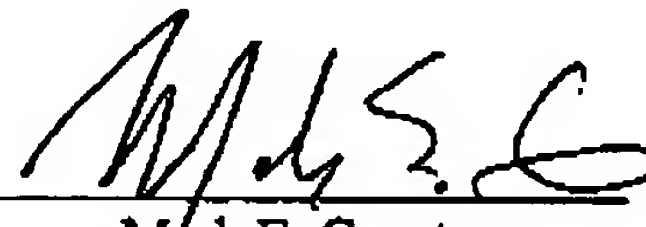
Claims 7 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kurjanowicz, US 6,778,457 B1 and Feurle et al., US 2003/0043674 A1, in view of Caulkins, US 6,473,355 B2. This rejection is also hereby respectfully traversed.

Again, Applicant submits that Feurle et al is not available as a § 103 reference for the reasons given above and that therefore the rejection is also overcome. Reconsideration and allowance is respectfully requested for Claims 7 and 18-19 as well.

In view of the above, Applicant respectfully submits that this response complies with 37 C.F.R. § 1.116. Applicant further submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date


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